

§ 404b. Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member

(a) PAYMENT OR REIMBURSEMENT AUTHORIZED.—The Secretary concerned may pay or reimburse a member of the armed forces assigned to temporary duty as described in subsection (b) for lodging expenses incurred by the member at the temporary duty location during an authorized absence of the member from the temporary duty location.

(b) COVERED MEMBERS.—Subsection (a) applies with respect to a member assigned to temporary duty, for a period of more than 30 days, in support of a contingency operation or in other specific situations designated by the Secretary concerned if the member—

(1) immediately before the authorized absence, was performing the temporary duty at a location away from the home or permanent duty station of the member;

(2) was receiving a per diem allowance under section 404(a)(4) of this title to cover lodging and subsistence expenses incurred at the temporary duty location because quarters of the United States were not available for assignment to the member at that location; and

(3) before the end of the authorized absence, returns to the duty location.

(c) PAYMENT LIMITATION.—The amount paid or reimbursed under subsection (a) for a member may not exceed the lesser of—

(1) the actual daily cost of lodging incurred by the member at the temporary duty location during the authorized absence of the member; and

(2) the lodging portion of the applicable daily per diem rate for the temporary duty location.

(d) AUTHORIZED ABSENCE DEFINED.—In this section, the term “authorized absence”, with respect to a member, means that the member is in an authorized leave status or that the absence of the member is otherwise authorized under regulations prescribed by the Secretary concerned.

(Added Pub. L. 108–136, div. A, title VI, §635(a), Nov. 24, 2003, 117 Stat. 1510; amended Pub. L. 109–163, div. A, title VI, §651(a), (b)(1), Jan. 6, 2006, 119 Stat. 3311.)

AMENDMENTS

2006—Pub. L. 109–163, §651(b)(1), substituted “Travel and transportation allowances: payment of lodging expenses at temporary duty location during authorized absence of member” for “Travel and transportation allowances: lodging expenses at temporary duty location for members on authorized leave” in section catchline.

Subsec. (a). Pub. L. 109–163, §651(a)(1), substituted “during an authorized absence of the member from the temporary duty location” for “while the member is in an authorized leave status”.

Subsec. (b)(1). Pub. L. 109–163, §651(a)(2)(A), substituted “the authorized absence” for “taking the authorized leave”.

Subsec. (b)(3). Pub. L. 109–163, §651(a)(2)(B), substituted “before the end of the authorized absence” for “immediately after completing the authorized leave”.

Subsec. (c)(1). Pub. L. 109–163, §651(a)(3), substituted “during the authorized absence of the member” for “while the member was in an authorized leave status”.

Subsec. (d). Pub. L. 109–163, §651(a)(4), added subsec. (d).

§ 405. Travel and transportation allowances: per diem while on duty outside the continental United States

(a) PER DIEM AUTHORIZED.—Without regard to the monetary limitation of this title, the Secretary concerned may pay a per diem to a member of the uniformed services who is on duty outside of the continental United States, whether or not the member is in a travel status. The Secretary may pay the per diem in advance of the accrual of the per diem.

(b) DETERMINATION OF PER DIEM.—In determining the per diem to be paid under this section, the Secretary concerned shall consider all elements of the cost of living to members of the uniformed services under the Secretary’s jurisdiction and their dependents, including the cost of quarters, subsistence, and other necessary incidental expenses. However, dependents may not be considered in determining the per diem allowance for a member in a travel status.

(c) TREATMENT OF HOUSING COST AND ALLOWANCE.—Housing cost and allowance may be disregarded in prescribing a station cost of living allowance under this section.

(d) UNUSUAL OR EXTRAORDINARY EXPENSES.—(1) The Secretary concerned may reimburse a member of the uniformed services on duty as described in subsection (a) or (e) for an unusual or extraordinary expense incurred by the member incident to such duty that—

(A) is directly related to the conditions or location of the duty or the location of the member’s dependents;

(B) is of a nature or a magnitude not normally incurred by members of the uniformed services on duty inside the continental United States; and

(C) is not included in the per diem determined under subsection (b) as payable to the member under subsection (a) or (e).

(2) Any reimbursement provided to a member under paragraph (1) is in addition to a per diem payable to that member under subsection (a) or (e).

(e) PAYMENT OF ALLOWANCE BASED ON OVERSEAS LOCATION OF DEPENDENTS.—In the case of a member assigned to duty inside the continental United States whose dependents continue to reside outside the continental United States, the Secretary concerned may pay the member a per diem under this section based on the location of the dependents and provide reimbursement under subsection (d) for an unusual or extraordinary expense incurred by the dependents if the Secretary determines that such payment or reimbursement is in the best interest of the member or the member’s dependents and in the best interest of the United States.

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 473; Pub. L. 89–718, §57, Nov. 2, 1966, 80 Stat. 1123; Pub. L. 91–486, Oct. 22, 1970, 84 Stat. 1085; Pub. L. 96–107, title VIII, §807(a), Nov. 9, 1979, 93 Stat. 813; Pub. L. 98–525, title VI, §602(e), Oct. 19, 1984, 98 Stat. 2536; Pub. L. 99–145, title XIII, §1303(b)(8), Nov. 8, 1985, 99 Stat. 741; Pub. L. 101–189, div. A, title VI,